

Order

Michigan Supreme Court
Lansing, Michigan

November 13, 2006

Clifford W. Taylor,
Chief Justice

131663 & (46)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

RITA L. ALTON,
Plaintiff-Appellant,

v

SC: 131663
COA: 263743
Genesee CC: 04-079690-NZ

LARRY G. ALTON,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the June 15, 2006 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motion to strike is DENIED as moot.

WEAVER, J., dissents and states as follows:

I dissent from the order denying the application for leave to appeal. I would reverse that part of the judgment of the Court of Appeals that affirmed the circuit court's grant of summary disposition on the basis of res judicata, for the reasons stated in the Court of Appeals dissenting opinion, and I would remand for the circuit court to consider what determinations of the circuit court in the parties' divorce proceeding are to be accorded collateral estoppel effect.

CAVANAGH and KELLY, JJ., join the statement of WEAVER, J.



s1107

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 13, 2006

Corbin R. Davis

Clerk